

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROSS BARTLETT, and MARC
BARTLETT,

Plaintiffs,

V.

DEERE & COMPANY, a Delaware
Corporation,

Defendant.

4:09CV3168

MEMORANDUM AND ORDER

The plaintiffs' pending motion to compel was filed on June 21, 2010, (filing no. 25), and the defendant served supplemental discovery responses thereafter on July 15, 2010. On August 24, 2010, the court held a telephonic conference to determine the parameters of any discovery disputes remaining after the defendant served supplemental responses. As of that date, the parties had not resolved the issues raised by plaintiffs' motion to compel.

The court has reviewed the discovery exchanged and the parties' briefs and evidence on the motion to compel and has determined:

- The defendant has abandoned some of its objections and others are or may now be resolved by the protective order entered in this case.
- The following discovery requests remain at issue:
 - Plaintiffs' interrogatories 1, 11, 13, 14, and 21, and to the extent the defendant's response relies upon these interrogatories, request for production no. 7;
 - Plaintiffs' requests for production 7, 8, 9, 11, and 15 through 24.
- Assuming the defendant has now provided the requested documents, request for production no. 10 is no longer in dispute.

- The vast majority of the defendant's objections challenge the breadth of the plaintiffs' discovery requests, a matter which the parties may be able to resolve without court intervention if they engage in further good faith discussions.

Accordingly,

IT IS ORDERED:

- 1) The parties shall promptly comply with the "meet and confer" obligations of Nebraska Civil Rule 7.0.1 (i) in an attempt to further resolve their ongoing discovery dispute.
- 2) On or before September 15, 2010, the parties shall either advise the court by joint statement that the plaintiffs' motion to compel (filing no. 25) has been resolved, or they shall advise the court by either joint or separate statements specifying which discovery requests remain disputed and their respective positions on those disputed discovery requests.
- 3) The plaintiffs' motion to compel will be deemed fully submitted upon compliance with paragraph 2 of this order.

DATED this 7th day of September, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge